Public Works (1902) Department.

G.O., No. 1081 I.

DATED 18th September 1902.

[Despatch Abstract.]

Peranai Regulator

Copies of correspondence received from the S.E. VI circle in connection with an injunction to stop the construction of the ——, recorded.

Dr

[P. W. 25. 5,400—12-8-01.]

Indexed 3/10

C.M. 1012

3,000—21-1-01.

Public Works (1902) Department.

CURRENT No. 131 Ind.

From

[Name] H. J. Wilson Esquire

[Designation] Offg: Superintending Engineer, VI Circle

[Station] Trichinopoly

B

Order. No. 1081 Dt. 18-9-02.

Recorded.

Pw 28/8/02

ant 23/8/02

To The Ch. Engr. for I
Copy to the Rev. Dept.

Rev. Dept. for perusal.

R
ASN
23-8-02

Rev. 664
1-9-02

No. 1194 Ind.

Received 23 . 8 . 1902.

Dated 20 August 1902

Registered 28 . 8 . 1902

Enclosures { *Plans* / *Others* } *Total* 1

Spare copies

DESPATCHED
18 SEP 1902

SUBJECT.

Perani Regulator —— Submitting copies of correspondence regarding an injunction applied for by Mr. Fischer & others to stop the construction of the ——.

BACK PAPERS.

Would it be in order to send a copy of this to Sir T. Higham

Ant 23/8/02

E I

A copy of the correspondence might is submitted to be sent to him [illegible]

FURTHER PAPERS.

make which & send A.O. — ant

To

The ~~Secretary to Government~~ Chief Engineer Public Works Department.
for Irrigation

Sir,

I have the honor to forward herewith for your information copies of correspondence regarding an injunction to stop the Construction of the Peranai regulator received by me from the Executive Engineer, Madura Division.

As the works have now been stopped on account of the season and as the turf bund will be taken away from the crest of the old work shortly the immediate cause of the petition will be removed.

I have the honor to be
Sir
your most obed! Servant
[signature]
Offg: Suptg Engineer
VI Circle.

R 131 MD
23/28-8-02

20.8.M

SUPG. ENGINEER'S OFFICE
No. [illegible]
18 AUG 1902
P. W. D.
SIXTH CIRCLE.

In the Subordinate Court of Madura West.

C. No.251 of 02.

Original Suit No.22 of 1901.

R.Fischer and others... ... ...Plaintiffs.

Versus.

The Secretary of State for India in Council..Defendants.

Petition presented on behalf of the 1st plaintiff under section 492 Civil Procedure Code.

1. That the case for the Plaintiffs in the above said suit is that the Defendant has wrongfully & illegally put up a new construction on the old Peranai Dam thereby causing an obstruction to the natural flow of water in the Vaigai and has materially diminished the usual flow of water for the use of the lower riparian proprietors.

2. That it has been therein prayed among other reliefs that

(i) the Defendant be decalred to have no right to increase the original height of the Dam or put any new structure on the original crest level of the Peranai.

(ii) the Defendant be permanently restrained by an injunction from all interference with the D a m or its original crest level.

3. That subsequent to the settlement of Issues in the above case the Defendant has put up a bund of about 3$\frac{1}{4}$ feet in height above the falling shutters and the masonry constructions already constructed over the original crest level of the Peranai, thus increasing the height of the turf bund to about 6 feet on the old crest level.

4. That the said turf bund prevents the water ~~following~~ flowing even over the falling shutters & that the said shutters are imbedded & immoveably fixed in the said turf bund.

5. That new works are being carried on in the bed of the Vaigai just below the Peranai almost right across the river from the old scouring sluice to the bank opposite and that a portion of the foundation of the new construction has

been

laid and the work is being rapidly pushed through.

6. That the object of the Defendant in the construction of the turf bund and the new works subsequent to the settlement of Issues appears to be to alter the existing state of things and to deprive the Plaintiffs of the advantage of an im important piece of evidence.

7. Thatit is unfair on the part of the Defendant to carry on works affecting the subject matter of the suit during the pendency of the said suit.

8. That there have been freshes in the Vaigai since the settlement of Issues in the case and the flow of water has been obstructed to a much larger extent by the turf bund recently put up by the Defendant.

9. That a temporary injunction is absolutely necessary for maintaining the statu quo pending the suit.

10. That unless a temporary injunction is issued restraining the Defendant from pushing on with the new works at the Peranai the Plaintiffs will be at a very great disadvantage in proving their case.

11. That the new works recently put up by the Defendant are productive of irreparable loss & serious injury to the Plaintiffs.

12. That an affidavit of M.Dorasamy Pillai an Overseer in the service of the 1st Plaintiff who was especially deputed by the 1st Plaintiff to see the existing state of things at the Peranai is herewith produced in support of the allegations in the petition.

It is therefore prayed that this Honourable court may be pleased to issue a temporary injunction restraining the Defendant from pushing on with the works at the Peranai.

30th July 1902.

(Signed) M.Madhu Iyer.

(Signed) V.Bashyachari.

(True Copy)

(Signed)V.Bashyachari.

(True Copy)

Executive Engineer,
Madura Division.

SUPG. ENGINEER'S OFFICE
No. 2117
18 AUG 1902
P. W. D.
SIXTH CIRCLE

Copy of letter from A.G.Cardew Esq., M.A.I.C.S., Collector of Madura to the Executive Engineer, Madura - Division No.R.On.C.2518/Gl. of 1902 dated 10/12th August 1902.

&&&&&&&&&&&&&&&

I have the honour to forward herewith a petition presented to the Sub Court, Madura West, in O.S.No.22 of - 1901 for the grant of a temporary injunction restraining - Government from carrying out certain new works now in - progress at the peranai. Please furnish me with any - papers which may show under what circumstances the new works at the peranai have been proposed and whether the Plaintiff's petition may be successfully opposed on behalf of Government in the Court. I am forwarding a copy of the petition to the Advocate General, Madras, and have asked the Local Government Pleader to obtain a month's adjournment of the hearing of the petition which now stands posted for the - 15th Instant.

(True Copy)

A. T. [signature]

Executive Engineer,

Madura Division.

SUPG. ENGINEER'S OFFICE
No. 11/4/2000
18 AUG 1902
P. W. D.
SIXTH CIRCLE.

Copy of letter from the Executive Engineer, - Madura Division to the Collector of Madura No. 1449 m. dated 15th August 1902.

&&&&&&&&&&

Reference:- Collector's R.On.C.No.2518/Gl. of 02 dated 10th August 1902.

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In reply to your letter of the 12th Instant, I have the honour to state that the new works in progress - are a Regulator & new head sluice for the Main canal. The object of the new works is to prevent sand choking the Main canal as is the case at present. This being so the floor of the New Regulator is at river bed level; the sill of the new head sluice being the same as that of the present sluice. In order to put in the foundations of the Regulator it is necessary to prevent water flowing over the anicut immediately in front of the new works and the bund referred to has been erected with other bunds to divert water to the rear of the new works. As regards the height of the bund it is certainly not 6 feet above the old crest level. That however is a minor point. The effect of it is to divert all water over the left flank of the anicut and through the present scouring sluices. We have not in consequence of these works - affected the quantity drawn into the Main canal which is - under effective control. As for the object alleged in para 6 it is false to say that we are depriving the Plaintiffs of an important piece of evidence firstly because plans of the works as they exist are already deposited in court and secondly because it is obvious to any one of the meanest - intellectual capacity that the existing works cannot be - permanently interfered with until the new works are completed; which from the nature of the work cannot be done for at least two years without interfering with our own interests, meanwhile the present system must continue and there has been no alteration beyond temporarily making more use of the - left flank of the Anicut. I may perhaps inform you that I

have

have already, quite apart from this motion, given orders for work to cease during this month on account of the water in the river and that the bund will be removed by the 1st September if not before.

2. I have no papers in my office excepting a telegram - ordering me to start work. But the object of the works is as - stated.

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S.E.

No. 511 dated 16th August 1902.

Copy communicated to the Superintending Engineer, VI Circle together with a copy of the Collector's R.O.C.2518/?1.of 1902 dated 12th August 1902 with its enclosure.

[signature]

Executive Engineer,

Madura Division.

16/8/02

D.K.
15/8/02.

SUPG. ENGINEER'S OFFICE, No. 1175 18 AUG 1902 P. W. D. SIXTH CIRCLE.

From

The Executive Engineer,

Madura Division.

To

The Superintending Engineer,

VI Circle, Trichinopoly.

No. 5115 E

Dated 16th
Despatched 16th August 1902.

Enclosures. 2

Subject:-

Peranai Regulator.

Communicating copies of correspondence regarding the injunction to stop the construction of.... ......applied for by the Plaintiffs in O.S.No.22 of 1901..

Re: application for injunction to stop construction of a Regulator at Peravai, Madura Dt.

REVENUE DEPARTMENT.

P.W.S. 9199.
Registered. 13.9.02

No. C. No. 7764, From the P.W. Dept., No. ______, Dated 1-9-1902.

To. Undersecy

Copies of the correspondence were also received in this Dept. from the Collector of Madura and the Advocate-General has been instructed to oppose the injunction application in the Madura Sub-Court on 10-9-02.
The P.W.D. file below may be returned to that Dept.

[illegible] 3/9/02

2.9.02 [illegible]

[illegible] 5.9.02

To. P.W.D. (I) [illegible].

Issue

[illegible]
9/9/02
D.S.

8/9/02

HD
Please draft order below

[illegible] 9/9/02

Typed 1578
Typed [illegible] 10/9

[illegible]